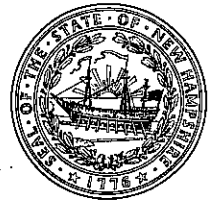




The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

February 18, 2009

The Honorable Tara Reardon, Chairman
New Hampshire House of Representatives
Commerce and Consumer Affairs Committee
Legislative Office Building, Room 302
Concord, New Hampshire 03301

Re: HB 492, an act requiring certification for persons performing radon tests

Dear Chairman Reardon and Members of the Committee:

Thank you for the opportunity to comment on behalf of the Department of Environmental Services (DES) on HB 492, which seeks to require that persons who perform radon testing services be certified by certain professional organizations. While DES disagrees with a portion of the language in the bill as introduced, we understand that some revisions have been suggested by the bill's sponsors, and we fully support the bill as amended.

Radon is a naturally-occurring radioactive gas that is a known human carcinogen. It is second only to smoking as leading cause of lung cancer. It is estimated that about 100 out of the 675 lung cancer deaths that occur in New Hampshire each year can be attributed to radon exposure - nearly twice the number of deaths that are the result of drunk driving. Data collected by the DES Radon Program show that radon concentrations in one third of all New Hampshire homes tested are above EPA's recommended action level. Consequently, DES advises all homeowners to test their homes for radon, and to install a cost-effective radon mitigation system if measured levels are above the EPA action level. The accuracy and reliability of radon levels can be significantly affected by many factors, so it is important that persons who conduct radon testing are properly trained to conduct such testing. However, unlike asbestos and lead paint contractors, there are no certification or licensing requirements to assure that persons who perform radon testing are qualified to do so.

This bill will require that persons providing radon testing services for remuneration be qualified to perform such services by obtaining appropriate certification from a nationally recognized and accredited certification body. It has an effective date of January 2011 in order to give those businesses that are not already certified ample time to obtain training and certification. Since certification is conducted by an independent third party, there are no additional costs to state government. DES believes that this certification program will not only help assure that the health of residents affected by radon is protected, but will also provide consumers with the confidence that businesses that provide these services are knowledgeable and proficient.

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It is our understanding that the original version of the bill unintentionally included a section which removed a provision of the existing law that requires disclosure of radon test results at the time of real estate transaction. DES would oppose this provision of the bill, but understands that the sponsors are recommending that the current disclosure requirement remain in the law. Thus DES fully supports passage of this bill as amended by the sponsors to retain the current disclosure requirement. Thank you again for the opportunity to offer our support for HB 492. Please call me at 271-2958 or Richard G. Rumba, Administrator of the Environmental Health Section, at 271-1987 if you have any questions or would like further information.

Sincerely,



Thomas S. Burack
Commissioner

cc: Rep. Barbara French
Rep. Catriona Beck
Rep. Don Petterson
Rep. James Pilliod
Rep. Robert Bridgham